J. 7. 8-98

G. R. S. IX-5]

Previous references.

1898-99
~~191~~.
(Courts)

File No. 5 of 1898

Serial Nos. 1–2

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1–2.

M. ~~Part~~ **B** for March, 1899.

SUBJECT.

Memorial of Karia, undergoing sentence of transportation for life in the Bangalore Central Jail.

Committed and Judelled Dy

W D 88—GPB—50,000—24-7-16

XX

Note.

The prisoner Bellen Kariya has been convicted by the Ashtagram Sessions Judge of the offence of murder under S. 302 I.P.C., in that he caused the death of one Bayra by stabbing him with a pruning knife on the night of the 17th Decr. 1894.

The direct testimony to the above fact is that of the deceased's uncle Ranga who, seated on his pial at a distance of 7 or 8 fathoms, saw the parties fighting with each other, and ran up to the spot just in time to see the deceased strike the deceased mortally over the chest with his knife and run away. The quarrel between the two which ended so fatally began earlier in the day, and this is spoken to by three different witnesses. The evidence also shows that, owing to ~~certain~~ various circumstances, the Accused entertained jealousy and spite against the deceased, and used to pick quarrels with the latter frequently.

After the occurrence the Accused disappeared into Coorg and was not arrested till July, ~~the~~ last, when he was handed over to the 1st Cl. Magte at Mangalore, along with a confessional statement recorded by the 3rd Cl. Magte of Yedavanad. [The extradition correspondence is put up for ref.ce.]

Considering the lapse of time (4 years) and the uncertainty as to "whether the Accused intended to kill the deceased or not," the Sessions Judge sentenced him to transportation for life, — a sentence which the Chief Court have confirmed on appeal -

In his memorial to Her Highness, the prisoner denies all knowledge of the crime, and attributes the charge to the ill-will of the witness Ranga (or Rangamma), — an allegation made before the Sessions Judge and disbelieved by him.

15-2-99.

Sd. R. Narasimha C.

16/2/99

17-2-99

2

Prisoner Kariya

1. No. of case.

Criminal Case No. 12 of 1898-99

on the file of the 1st Class Magistrate Sakleshpur Sub Division Hassan Sessions Case No. 2 of 1898-99, and Criminal Appeal Case No. 69 of 1898-99 on the file of the Chief Court.

2. Court or Courts which tried it,

1st Class Magistrate's Court Sakleshpur Sub Division. District and the Sessions Court of the Ashtagram Division.

3. Nature of sentence originally passed and confirmed or altered in appeal.

Sentenced to transportation for life by the Sessions Court Ashtagram Division and confirmed in appeal by the Chief Court.

4. Date of sentence.

13th September 1898.

Submitted with Authorities with a note & entire record and a draft order.

25/9/99

Submitted

P. Grant 99

J.C.

3

In the Matter of a Memorial from Kariya Accused in Hapan Sessions Case No 2 of 1898-99 on the file of the Sessions Judge of the Ashtagram Division and Appellant in Criminal Appeal No 69 of 1898-99 on the file of the Chief Court, praying that the sentence of transportation passed upon him on a charge of murder, may be set-aside.

Her Highness the Maharani-Regent

has been pleased to pass the following

Order.

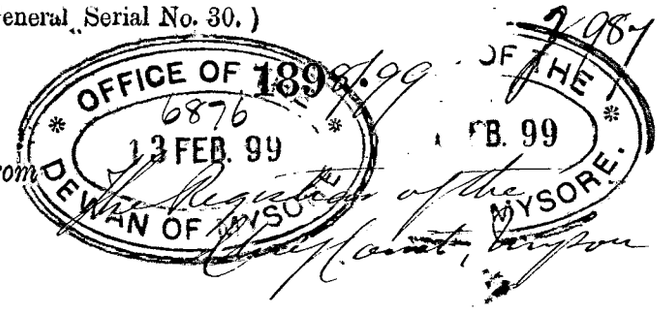
No grounds exist for any interference with the Sentence of Transportation for life passed upon the Memorialist by the Sessions Judge of Ashtagram and Confirmed on Appeal by the Chief Court and this Memorial is accordingly rejected

Kishenkalinjur
Dewan
26-2-99

Kempanayanam

2-3-99

(General Serial No. 30.)



From The Regency of the
Chief Court, Bangalore

To The Secretary to the
Govt of Bangalore

Dated 6th Feby/99

Despatched 7/2

Received

Enclosures No. 3 with record

General No. 5029

No. 192

Forwards the accompanying memorial addressed to Her Highness the Maharani Regent of Mysore submitted by Kariya accused in Hapan Dacoity case No. 2 of 1898-99 on the file of the Sessions Judge of Ashtagram.

(SLI)

CR 5-98-1

Just
13.2.99.

Submitted to Secty
14/2/99

14/2

No 5029 Ins: 3
192 withdrawn

Bangalore, 6th February 1899.

From

The Registrar of the
Chief Court of Mysore.

To

The Secretary to the
Government of Mysore,
General and Revenue Depttts.

Sir,

I am directed to foward the accompanying memorial (with an English translation), addressed to Her Highness the Maharani Regent of Mysore, submitted by Kariya, accused in Hassan Sessions Case No. 2 of 1898-99 on the file of the Sessions Judge of Ashtagram Division

and

and Appellant in Criminal Appeal No. 69 of 1898-99 on the file of this Court. The records of the said two cases are also forwarded for reference.

I have the honor to be,

Sir,

Your most obedient servant,

D Ragatlatsulmy

Registrar.

Encl

Encl to 841

To

Her Highness the Maharanee Regent

of Mysore

Criminal Appeal No: 69 of '98-'99

On the file of the Chief Court of Mysore

Appellant

Kariya - Vs. Government

(Prisoner No: 4349)

Petition submitted by the said appellant Kariya undergoing imprisonment in the ~~said~~ of Mysore Jail, having been sentenced to transportation for life:-

I ~~did~~ beg to submit that I have not murdered Byra. I do not know who perpetrated the offence. I was a servant under Maisby Ranganna who gave evidence in this case. One year's pay was due to ~~him~~ me from him. I was making repeated demands for the

the payment of the money; but all in vain
Hence I gave up service under him and
~~interest~~ took up service under another
person. Through this enmity, he gave
got up this false case that I have
committed murder and got me
unjustly sentenced. I beg to add that
I am a very poor man and there is
no one to take care of me.

I pray therefore that Your Highness
may be pleased to order me a poor
servant to be released.

Mark of Kariya

Signed before me -
Sd/ P. S. Atchuyta Row
Superintendent, Tryone Jail

Tryone Jail Office
D/ 20th Jany. 22

Lt
Fl

Form No 84

In the Supreme Court of Judicature at Fort William in Bengal

Criminal Jurisdiction

The 14th day of March 1899 in the Criminal Sessions held before the Hon'ble Mr. Justice Ghose

Calendar No. 69.

Empress
vs
Nilmoni

Charge of murder of Kunja Mark by causing grievous hurt on the person of one Kunja Mark on the 4th day of February last.

Plea — Not guilty.

Mr. Lethbridge for the Crown.

Mr. Chakravarti for the prisoner.

The prisoner is charged with the murder of one Kunja Mark on the 4th day of February last. The deceased was a Santal and lived in village Kalidaspur in the district of Santal Parganas. On the 4th February he was working in the field of one Bhagirathi Mark, a Santal, when the prisoner, who is a Bengali, came to the field and asked the deceased to go with him to the house of one Ramdhan Mark, a Santal, to bring back a bullock which had strayed into the field of the prisoner. The deceased refused to go with the prisoner, and thereupon the prisoner struck him with a bamboo lathi on the head. The deceased fell down and died on the spot. The prisoner then left the place and went to the house of one Ramdhan Mark, a Santal, and told him that he had killed the deceased. Ramdhan Mark then went to the field and found the deceased lying dead. He then went to the house of one Bhagirathi Mark, a Santal, and told him that the prisoner had killed the deceased. Bhagirathi Mark then went to the field and found the deceased lying dead. He then went to the house of one Ramdhan Mark, a Santal, and told him that the prisoner

In the Chief Court of Mysore at Bangalore

Monday the 21st day of November 1898.

Present

Hon. Justice J. W. Best — Chief Jud'e.

and.

Hon. Justice T. Narahari Row — Offg. Jud'e.

Petition of Criminal Appeal no. 69 of 1898-99, against the conviction and sentence by the Sessions Jud'e of Ashta-gram Division, under section 302 of the Indian Penal Code, in Hassan Sessions Case no. 2 of 1898-99.

Appellant

Kareya (accused)

Judgment:-

Second witness for prosecution identifies the appellant as the man who stabbed the deceased Baira.

That this is no afterthought is apparent from the fact of the appellant's name being mentioned to the Potail, as the murderer, by the above witness immediately after the

the murder was committed; Appellant's absconding from the village, and keeping out of the way for some years after the occurrence, adds strength to the evidence of the 2nd witness.

This Appeal is dismissed.

A true Copy

Registrar.

Copy applied for by the prisoner through the Superintendent, Mysore Jail. ---- } 1st January 1899 (rec'd. 5th do.)

Copy ready ---------- 7th January 1899.

Copy despatched ---------- 7th January 1899.

Registrar.

H 5-98-2.

Diwan
OFFICE OF THE ~~GOVERNMENT~~ OF MYSORE.

No 16222 / J 1270 Records Dated Bangalore 4th March 1899

From

The ~~General~~ Secretary to the Government of Mysore,
General and Revenue Depts.

To

The Registrar of the Chief Court of Mysore.

SIR,

I am directed to forward herewith for information of the Judges of the Chief Court and for communication to the prisoner Kariya undergoing sentence of transportation for life in the ~~Bangalore~~ Mysore Jail, copy of order passed by H. H. the Maharani Regent of Mysore, on the prisoner's memorial.

2. The entire records received with your letter No. 5029-192 dated the 6th February 1899 are herewith returned.

I have the honor to be,

SIR.

Your most obedient servant,

Jr General Secretary.